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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,890	04/05/2004	Kenichi Katsumata	Q80886	4026
23373	7590	08/22/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			GLASS, ERICK DAVID	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,890	KATSUMATA ET AL.	
	Examiner	Art Unit	
	Erick Glass	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Hammer (3,581,174).

With respect to claims 1 and 3, Hammer discloses a motor drive apparatus and method for controlling said apparatus comprising a motor current detecting a motor drive apparatus comprising: a motor current detecting section operable to detect a motor current when a movable member driven by a motor is moved in a first direction (Fig. 2, #58 detects overcurrent); lock current judging section operable to monitor the motor current detected by the motor current detecting section to make a judgment on a lock current that flows when motion of the moveable member is set to a locked state (Fig. 2, reversing section #52 determines a lock condition based on the current received from #58; note that this determination is also made using the time delay circuit); and a switch invalidation setting section operable to invalidate a switch operation when the motor current is the lock current, the switch operation corresponding to moving the movable member in the first direction (col. 3, lines 16-21 and col. 3, lines 30-47; col. 4, lines 33-75; when in automatic reverse mode, the switch 22 is bypassed via #76 and 94 to reverse the motor); and a switch operation invalidation setting canceling section operable to cancel the invalidation by the switch operation invalidation setting section, said canceling being done when a second switch operation of moving the movable member in an second direction is conducted under a state where said invalidation is

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done. Hammer also discloses stopping the motor and reversing its direction when a stall or lock condition exists (col. 1, lines 21-45). Finally, Hammer discloses the limit switch "reactivates" or cancels the invalidation of the manual switch (col. 5, lines 1-29).

See the above rejection for claim 2, and the following further disclosure by Hammer. Hammer also discloses invalidating the switch operation only for a predetermined period (col. 5, lines 1-15; time period to lower the window so that the nonconductive portion 112 engages the fixed contact 108).

See the above rejection for claim 4, and the following further interpretation of Hammer. Hammer discloses the system essentially "resetting" once the limit switch has been reached (col. 5, lines 1-29). Thus, once the time period for reaching the limit switch has elapsed, if another obstruction, which causes the motor current to exceed the over current relay's threshold, the system again invalidates any manual switch operation.

Response to Arguments

Applicant's arguments filed 4/14/06 have been fully considered but they are not persuasive. The applicant argues that Hammer fails to disclose each and every element of the claimed language, specifically "canceling of the invalidation". The examiner respectfully disagrees, Hammer discloses the limit switch "reactivates" or cancels the invalidation of the manual switch (col. 5, lines 1-29).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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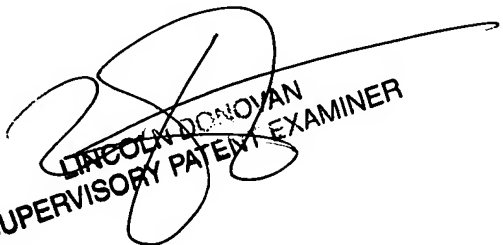
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Glass whose telephone number is 571-272-8395. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EG


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER